



John T. Aubberger
Supervisor

TOWN OF GREECE

PLANNING BOARD MINUTES

SEPTEMBER 8, 2010

THE MEETING BEGAN AT 7:00 P.M.

PRESENT

Alvin I. Fisher, Jr., Chairman
Alfred S. Ancello
Christine R. Burke
Brian E. Marianetti
William E. Selke
Michael H. Sofia
Christopher A. Schiano, Deputy Town Attorney
Scott R. Copey, Clerk of the Planning Board
John Gauthier, P.E., Associate Engineer
Linda R. Lamb, Planning Board Secretary

ABSENT

Grace L. Plouffe

ADDITIONS, DELETIONS AND CONTINUANCES TO THE AGENDA

ANNOUNCEMENTS

Training Tuesday, September 21, 5:30 – 6:30 p.m.

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PUBLIC HEARINGS

None

SITE PLANS

Old Business

1. Applicant: 4320 West Ridge LLC

Location: Generally north of and including 4232 – 4350 West Ridge Road

Request: Site plan approval for Phase I of the Hampton Ridge Center commercial development, consisting of a proposed automotive sales and leasing dealership (28,924+/- square feet) with related parking, utilities, grading, and landscaping on approximately 7.2 acres, plus additional acreage for storm water management

Mon. Co. Tax No.: 073.01-1-2.1, -3, -4, -5, -6, -7; 073.01-2-63, -64.111, -64.12, -64.2, -68

Motion by Mr. Selke, seconded by Ms. Burke, to continue the application to the September 22, 2010, meeting, as requested by the applicant.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- absent
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION CONTINUED TO
SEPTEMBER 22, 2010, MEETING

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- 2. Applicant:** **Home Leasing, LLC**
- Location: 3027 – 3057 Latta Road
- Request: Site plan approval for Phase I of the proposed Gardens at Town Center apartments, a two- and three-story apartment building for senior citizens (98 dwelling units in Phase I; 176 total dwelling units, 61,250+/- square feet total), with related parking, utilities, grading, and landscaping on approximately 11.8 acres
- Zoning District: RMS (Multiple-Family Residential, Senior Citizen)
- Mon. Co. Tax No.: 045.03-45-5 and -6

The following is a synopsis of the discussion pertaining to the above-referenced request:

John Stapleton, Marathon Engineering, presented the application.

Mr. Stapleton: I'll go over changes made since the August 4 Planning Board hearing. The location of the southern storm water management facility was a concern. After a field walk with members of Town staff, it was decided to flip the location to the north, allowing us to maintain approximately 100 feet of existing vegetation buffering Sawyer Park from the pond and be more visible to residents of Gardens at Town Center. Along the southern edge of the storm water facility and the southwest edge of the parking area, we added a row of evergreen trees, increasing the number to about 30 to 40. We added trees adjacent to 3025 Latta Road for buffering from headlights. We provided staff with updated traffic information from SRF Associates. Actual traffic counts were taken from similar projects in the Rochester area. Findings were about half of what was utilized in the original traffic analysis based on the Institute of Transportation Engineers (ITE) Trip General Manual. The conclusion is there is less traffic generated by these facilities than the national average. Previous correspondence from the New York State Department of Transportation (NYSDOT) and Monroe County Department of Transportation (MCDOT) indicated no significant traffic increase would be seen; therefore, no mitigation was required at Long Pond or Latta Road access points. We have been in contact with the Town's Fire Marshal regarding the street name for this project, which will be Greece Center Drive, with an address of 100. We will place signage at both the Latta Road and Long Pond Road entrances. The Fire Marshal has recommended full access off Latta Road for emergency services. We have completed our due diligence regarding threatened or endangered species. We consulted the databases provided by New York Natural Heritage Program and the U.S. Fish and Wildlife Service, and supplemented that with a walk of the site by our ecologist. A report has been provided and concluded there is no habitat that would be threatened by this development.

Mr. Copey: We have received written comments from the MCDOT. Their only concern is that the connection at Long Pond Road provide direct access for the M&T bank at the southeast corner of Latta Road and Long Pond Road. The bank then would have to close their Long Pond Road access; it is a longstanding condition placed upon the bank to close that access when an alternate means became available. Another memo of August 17 from Amy Dake of SRF Associates responded to concerns regarding traffic, particularly that of Willowood Drive. The volumes of trips from this development are low in comparison and likely would not coincide with peak traffic volumes on Latta Road. It was pointed out that although the study date was August 13, 2008, the actual traffic counts were done on December 6, 2007 and additional data were gathered on July 30, 2008. It was noted that there was very little change in traffic volumes over those dates. The trip generation rates used were senior citizen town homes from the ITE Trip Generation Manual and therefore,

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numbers would be conservative. I had a conversation with Dave Goehring of the NYSDOT regarding the traffic signal that is coming to Latta Road at West Bend Drive. He has reaffirmed that it is on schedule and will be installed later this year. That traffic signal is expected to create gaps in traffic, which should benefit those exiting onto Latta Road from Willowood Drive. The Fire Marshal has requested unrestricted access to the site via both Latta Road and Long Pond Roads. A letter from Dave Walker, Assistant Chief of North Greece Fire District, has reiterated that concern, noting that initial response is likely to come from the Paddy Hill Station. We have received additional correspondence from neighboring residents and it should be noted that Gary Tajkowski, Director of Development Services, has met with several of the residents recently. Comments from residents include: many requested downsizing to two stories; architecture modified somewhat to stay in keeping with surroundings; requested deed restriction for age to be 62 versus proposed 55. Studies show that the average age in this type of residence is the 70s. Verify that funding is in place prior to construction and that there never will be rental subsidies given. It was suggested that the lighting in Sawyer Park be changed to the night sky compliant fixtures used in this development. Environmental impacts to the park. We had a phone call from Frank and Laura Caparella from 21 Pinebrook Drive, voicing their objection to this project. It should be noted that we had two anonymous calls today noting their objection to the project as well. We are in a position to approve this application tonight should the Board choose to do so. I have drafted a resolution with respect to the State Environmental Quality Review Act (SEQRA). The Town Board conducted a coordinated environmental review of this project, as required for a Type 1 action. The Planning Board was involved in that review. The negative declaration that was issued by the Town Board is binding on all agencies. The two-story versus three-story issue is part of the mitigation in the SEQRA determination rendered by the Town Board. Part of the building was reduced to two stories; that was determined to be an adequate measure, being at the part of the building closest to residents. Those SEQRA determinations and mitigation measures are again binding on involved agencies. The current homes at 3027 and 3057 Latta Road are to be demolished. The structures at 3027 Latta Road have to be demolished before construction, and the house at 3057 Latta Road will be retained during construction as a staging site and will then be demolished, but that will need to be confirmed.

Mr. Gauthier: The drainage report and plans were reviewed and have been generally accepted. We have some rather minor comments. We would like to see a special treatment along the safety bench of the storm water management pond. The soil should be compacted or treated with a geo grid of some form to reduce the possibility of someone sinking in the soil along the bench. This has not been done in the past, but based on safety concerns expressed it is something that we would like to look at. In addition, we would like to see a provision in the storm water facility maintenance agreement that the silt will not accumulate deeper than one foot along that bench, providing another safety feature.

Mr. Sofia: This is Phase I and I believe that we will have an opportunity to fix anything we might have overlooked when addressing Phase II development. The buffering would be part of this. Buffering has been modified already and appears adequate, but if needed, it could be revisited in Phase II. Whose responsibility is it to ensure that the M&T access gets modified?

Mr. Copey: It is M&T's responsibility, as it was a condition of their MCDOT highway permit approval. The design of the access has to take place but that is the responsibility of M&T. The MCDOT will pursue closure of the entrance and that will force the owners of that property, the Howe family, and M&T to make the modification; I will stay involved in this.

Mr. Sofia: Can we look at the building?

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Dan Glasow, Glasow-Simmons Architecture: We will use vinyl siding in three colors: russet on the first floor; champagne on the second and third floors; and at the balconies an accent color of ivy. In the gable, we have cedar impressions and decorative louvers. We will use architectural shingles and they will be a brown color. At the entry is cultured stone.

Mr. Marianetti: At the narrowest point between the development and Sawyer Park, how wide will the buffering be?

Mr. Stapleton: I estimate 35 feet.

Mr. Ancello: Which is Phase I? Where will construction access be and how will it be buffered?

Mr. Stapleton: Phase I consists of the eastern and center legs of the development. The Latta Road access point will be used for construction. There will be additional buffering after construction.

Mr. Ancello: I think buffering of the construction access should happen as one of the first things.

Mr. Gauthier: That would be an unusual practice. It is part of the erosion and sedimentation control in the initial grading. Generally, breaking ground is violent with stripping of vegetation and topsoil. We would have to take care during the process to make sure it happened.

Mr. Stapleton: One of the reasons I would agree to planting early on, the entrance area will be disturbed very little and will not require much grading.

Ms. Burke: Where's the snow storage? Where are the dumpsters?

Mr. Stapleton: The snow will be pushed into the grassy areas surrounding the parking areas. As much snow as possible will be pushed into the storm water management facility. The garbage will be removed from the building by staff and placed into a dumpster in the rear area adjacent to a small storage shed.

Mr. Fisher: I don't think it's appropriate to put the snow into a pond we are using to treat runoff.

Mr. Gauthier: Unless you will not be salting, you cannot push snow into the pond.

Mr. Selke: The pond was a concern and it sounds like you have come up with a method to improve safety. The buffer was another concern between the park and the pond. I'd like to see those trees in as soon as possible to provide as much growth time as possible.

Mr. Gauthier: We don't have any experience with this but there are publications showing some accidents are occurring because of poor footing. There are enough methods we can use to improve that.

Mr. Stapleton: We will be using a Norway spruce on the north end and Blue Spruce on the south end. The trees will be 6 to 8 feet in height from the ground, and will be spaced 15 to 20 feet apart. As few trees as possible will be removed from this site.

Mr. Selke: The earth tones on the building are an improvement over what was shared previously. What kind of lifetime does this vinyl siding have?

Mr. Glasow: This is a premium vinyl siding, very UV resistant, 0.044 mil, with a lifetime of 30 to 40 years.

Mr. Selke: What is the closest resident to the development? Explain the lighting conditions.

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Mr. Stapleton: It is about 385 feet to the closest neighbor. The lighting is shoebox style so that it can be directed and not spill off the site. It is high efficiency, pulse start, on 18-to-20-foot-tall poles. Lights will remain on for security purposes.

Mr. Selke: What Town Board stipulations do they have to meet?

Mr. Copey: They have to provide proof of access easement out to Long Pond Road, a restrictive covenant for senior citizens only, demolition of the house at 3027 Latta Road.

Mr. Selke: Could I get clarification on the average age of residents in these types of facilities?

Stephanie Benson, Edgemere Development: The average age across ten facilities was 74. Examples include Ada Ridge Phase I at 85; Phase II, 70; Park Ridge Commons, late 70s; College Green, 75; Hilton Park, 73. A high percentage of the apartments are one-bedroom units.

Mr. Selke: We had discussed a bike path along the road going out to Long Pond Road, as well as a walking path to the Northwest YMCA. What is the status on those?

Mr. Stapleton: A sidewalk has been added starting in the complex through to the north-south sidewalk on the east side of Long Pond Road and will be part of Phase I. Phase I also will include a walking path in the southwest corner, connecting to Sawyer Park and the YMCA.

Mr. Fisher: One of the resulting impacts of this project is the parking. The Town requirements are minor by comparison to what you are proposing—180 spaces for the entire project. I know that you won't construct all 180 parking spaces to begin. That number was arrived by designating one space per unit plus four for visitors. The experience at these facilities is more like ½ car per unit. Until we have tenants, we won't know the actual need. I suggest that you construct less parking to start. The most impact will be from parking approaching the Long Pond Road access and the second layer of parking closest to Sawyer Park in the exposed area. We should consider not creating all those parking spaces, put in what is needed for Phase I, and then look at the actual requirements for that phase before creating additional parking for Phase II. The spaces required are those closest to the building itself.

Mr. Stapleton: We would be more than willing to work with the Town on that.

Mr. Fisher: I understand that you are placing additional trees on the site; however, if you don't put the parking in, it may allow us to add more buffering.

Margaret Call, 3025 Latta Road: My property is adjacent to the project. I understand there will be additional evergreens planted along the access road and possibly in an area of parking that may not be required. At an earlier time, Mr. Arena discussed planting trees at the far end. Trees there are deciduous, so in the winter we will not have the buffering. What is the status of other buffering in that area?

Mr. Fisher: The plantings are shown on the plans.

Ms. Call: Will the access road be paved or will we have dust and dirt constantly? I'd like to see it paved right away.

Mr. Gauthier: Construction sites are not a pretty place. The road will not be paved until the earth work is conducted. No matter how much they may want to cooperate, it could not happen. As stated earlier, there is not a lot of earth moving to occur at the site of the access road, which will help with dust and dirt. An unpaved access road does require a sprinkler truck for watering to keep the dust down, but it is a construction site. All the new requirements to minimize disruption will be put into place; but it's not like nothing is going

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on. The paving cannot take place until the earth work is done and utilities are in place. Truck deliveries will be ongoing, but the largest construction vehicles will be moved to the site and remain there until no longer needed.

Ms. Call: We object to these trucks coming and going. Traffic is already heavy on Latta Road and these vehicles will slow traffic down. If there is any way we can request a change, then I'd like to request it.

Mr. Gauthier: We cannot regulate this. It is dictated by the NYSDOT and the MCDOT as to where they access.

Mr. Stapleton: One of the conditions of the Town Board approval was for us to gain access to Long Pond Road. It was a long and arduous process. One of the requirements of obtaining that access from the property owner was that it not be used for construction traffic. We have no choice but to use the Latta Road entrance.

Marie Dinero, 64 Willowood Drive: (Read comments provided by her husband, who was not available to attend the meeting.) Round Pond Creek passes through our property. Kids love the creek but it is not always a safe place for them to play. Many years ago, one of our former neighbors lost their child in that creek. I researched retention ponds to see if they could be determined as attractive nuisances in a court of law. Apparently there have been lawsuits to that effect, but none have been successful. I suspect one reason is the pond benefit outweighs the safety concern. The location concerns me as they are not visible to the street. As children play in the park they will discover the irresistible ponds. Residents of the housing will have grandchildren that may be drawn to the ponds. Which resident of that housing will be a diligent adult like I was over the creek while my children were growing up? I appreciate the fact that the pond was moved. There is a report, Safety in Urban Storm Water Ponds, authorized in 2006, which offers five safety recommendations: careful design of the slope; creating a perimeter safety ledge; careful observation by owners; warning signs; and community education. Community education has not been discussed here at all. These ponds are hidden and residents are unaware. Who will make neighbors, members of the YMCA, or Care-a-Lot child care aware? This is a poor location for a project of this size.

Mr. Fisher: We have listened and found one of the common causes of problems was silt buildup on the pond shelf. Much of Greece soil is clay, and when it's wet it aids sinking. You heard earlier that in the construction they will use compacted materials or a grid to reduce sinking. In addition, removing silt will be a requirement of the maintenance agreement. There are routine inspections done to make sure that this occurs. Your comments on this issue have provided us with an opportunity to improve on the safety of these ponds by going beyond the standard requirements.

Mr. Gauthier: If we did not permit a developer to install a design approved by the New York State Department of Conservation (NYSDEC) or Environmental Protection Agency (EPA), we would be sued successfully. We have attempted to use approved designs and refine them to make them as safe as possible. We cannot prohibit development or approved practices.

Ms. Dinero: I appreciate all that you have said. I make my comments based on its location. It should not be allowed near where children play.

Mr. Selke: Safety is always one of my biggest concerns. My feeling is that senior citizens are very observant and will watch the pond. Did you know that right next door, within 200 feet, you have some serious ponds in back of Ocu-Sight? They have existed for quite some time and were built as part of the development, just as required by this project.

Chris and Rebecca Quinlan, 347 Willowood Drive: I've done research and found a Home Leasing Facility that had a sex offender as a resident who lived there for an extended period

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of time. Is this the right place for a facility that has this type of reputation? This is near day-care facilities, schools, and a park. (He provides the Board with a copy of the article from the *Tonawanda News*.)

Mr. Schiano: Are you asking this Board to dictate to an applicant whom they can rent to?

Mr. Quinlan: Notes from a previous Board meeting indicated that the applicant does background checks for sex offenders and the like? Here's an article stating that a sex offender lives at one of their sites. My question is, being next to a park, etc. is it right to allow someone who has this reputation to build here?

Mr. Copey: In any neighborhood there would not be an extra level of inquiry regarding sex offender status. In the neighborhood that you live in, that question wouldn't be asked of a resident moving in. Here, there is an added level of security even though one got through the applicant's system.

Mr. Schiano: If there was a sex offender proposing to move in next door to you, are you saying he couldn't purchase the house? I have a sex offender in my neighborhood. I have little girls in my house and am not thrilled; but, we can't stop them from living there.

Mr. Quinlan: I'm asking this Board to consider not allowing this development to occur knowing Home Leasing has allowed this to happen. I'm saying this isn't okay. Is the Board okay with this?

Mr. Sofia: I have young children too. I don't think anyone here wants sex offenders in our areas.

Mr. Schiano: You are saying this use increases the chance of this happening?

Mr. Quinlan: I'm saying just that. This is in a wooded setting near a park, child care, schools. What better setting for a sex offender?

Mr. Schiano: I coach soccer and one of our biggest concerns is sex offenders. They prey on events of this type. It is the world we live in. We all have to be vigilant. Just because this development goes up does not mean it is going to be a haven for sex offenders. They do use additional measures to screen their residents.

Mr. Quinlan: You have levels of risk and we are trying to mitigate them. We just went through it for ponds. I didn't know there was a time when we weren't concerned about the safety of our children.

Mr. Schiano: This use is appropriate for the area.

Connie McClaren, 130 Willowood Drive: If this project does move forward, do we have a guarantee that Phase II will remain two stories? Is there no chance of changing to two stories for the entire development?

Mr. Fisher: What has been proposed is three stories and that is what it will be.

Mr. Copey: The portion closest to Willowood Drive will be two stories. Portions of the three story building could be visible from Willowood Drive.

Mr. Fisher: When the SERQA environmental review was made, it was determined that the segment closest to Willowood should be two stories to mitigate the visibility impact. The other segments, perpendicular to Willowood, could be three stories. We cannot change that finding.

Ms. McClaren: Prior to the rezoning, were three stories allowed?

Mr. Copey: No. It was zoned single-family previously, which allows up to two stories.

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David Frisk, 240 Willowood Drive: The community previously provided a position statement to Gary Tajkowski, the Town's Director of Development Services, which you received. On the southern and eastern portion, how many trees will be removed?

Mr. Fisher: It was somewhere in the neighborhood of 90 feet. Some pines would remain, but some would have to be removed. As discussed earlier, if the parking was not required in this area, I'd like to see an offset row of pines added.

Mr. Frisk: We keep talking mitigation. I have to ask, is this the right spot for this development? Couldn't we have found a better location? Did anyone look at that?

Mr. Schiano: Case law is very strict on this. The Board cannot determine appropriate use for the property. It is zoned for this application. This Board is here to mitigate; that's why you keep hearing that word.

Mr. Frisk: My concern is when you are in the park, you will see a wall, being the three-story structure. It presents a completely different view from the park.

Robert Hopkins, 30 Parkside Lane: You should know Sawyer Park was booked out every weekend this summer for various parties. You should also know that a little girl got lost in the park this summer after wandering off from playing with some older children. Fortunately she was found quickly. Other towns have not been so lucky and have added additional requirements for ponds. Some states are requiring fences. (He shared a photo of Mount Read Boulevard Wegmans storm water pond and the fence dividing it from Apollo Middle School.)

Mr. Gauthier: That fence preceded the pond. It was not put there because of the pond.

Richard Miller, 208 Willowood Drive: (Shared a photo of Round Pond Creek in the springtime.) The water is within a foot of the bridge. What impact will the development have on the creek?

Mr. Fisher: The rate of water runoff must be reduced by 30%; your drainage conditions will be improved.

Mr. Gauthier: The creek is within a 100-year floodplain. The project's pond will reduce your problems.

Richard Dibble, 122 Willowood Drive: Is the motion on the table for Phase I or the entire project? If for Phase I only, what is the process for approval of Phase II?

Mr. Fisher: Today we are looking at Phase I only. For Phase II, they will submit a plan and it will follow a similar approval process. We will have a chance to make modifications in things such as buffering, lighting, and parking for Phase I when we review Phase II. There will be a public meeting for Phase II.

Joseph Piendel, 34 Willowood Drive: Those creek photos shared were mine, and I'd like to share some others showing flooding. The flooding occurs at least twice a year. I hope that you are right about reducing drainage issues. If you are wrong, my basement will be flooded. I concur with my fellow neighbors on all the issues mentioned this evening.

Mr. Fisher: The reason for the ponds is to reduce the rate of runoff.

Richard Spade, 91 Desmond Road: I'm not personally affected by this project. My concern is impact on the environment. I think SEQRA was inadequate. On September 5, 2008, the Environmental Assessment Form (EAF) was initiated; on March 17, 2009, the rezoning was granted. Mr. Bilsky must have been clairvoyant when he recommended rezoning and a negative SEQRA declaration because he was working from a conceptual development plan at the time. A negative declaration is not a good thing for the environment. On March 18, 2009, the EAF was signed and on August 23, 2010, the NYSDEC was notified of the negative

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declaration. With that notification it was requested it be placed in the Environmental Notice Bulletin (ENB) which is the official notification. On September 3, 2010, five days ago, the public at large was made aware of this project. Interestingly the notification in the *Greece Post* seems to have had 1-1/2 year of hindsight because it alludes to actions after March 18, 2009. Part III of the EAF doesn't begin to address Sawyer Park. The resulting resolution highlights the fact that the project is substantially contiguous to the park. I think we need to give the public at large some time to look at this and that did not occur. We need time before final approvals.

Debbie Schaeffer, 284 Sunny Mill Lane: How is sending out a letter about rezoning of land to a few residents when hundreds are impacted? The announcement of these plans should have been on the front page of the *Greece Post* often. The residents did not get a chance to have their voices heard.

Michael Ewanow, 289 Willowood Drive: This neighborhood has rallied around this project. I'm disappointed in the Greece legislation that allowed this to happen. You have seen the solidarity of this group. If we had known about this, we could have made a difference. (He read a statement indicating he opposes the project.)

Helen Meyers, Rusty Lane: Traffic on Long Pond Road and Latta Road is horrendous. I don't envy the residents of this project trying to gain access in or out.

Jill Sandor, 87 Parkside Lane: (Read the statement opposing the project.) She is concerned with the process and would like it reviewed. Residents don't feel represented.

Eric Ambrose, 22 Parkside Lane: The concern is not the project, it is the space. It is too much in too little. This Board visits Hilton and Gananda projects but those are not good comparison. The traffic is not the same out there. This is an experiment. It's too many people for the amount of square footage. Who pays the utilities? I'm concerned about heat for senior residents. What quality are the windows?

Mr. Fisher: Some utilities are part of the rent, while others are the responsibility of the residents. One of the purposes we had of visiting the sites was to access quality of life and construction.

Mr. Copey: The New York State Energy Code will dictate the energy efficiency of the construction.

Mr. Selke: We did hear very positive comments from the residents on our tour. All the residents were happy living there.

Eileen Kissel, 200 Willowood Drive: I'd like the Board to contact the Rochester Genesee Regional Transit Authority to look at busing in Greece. We need services to the Northgate area, Greece Ridge Center Mall, and Unity Hospital from this area. (She read the opposition statement.)

Kathy Ewanow, 289 Willowood Drive: Opposed. (She read the opposition statement.)

Rene Allinger, 53 Parkside Lane: I would like clarification on the traffic calculations and counts.

Stephen Ferranti, P.E., P.T.O.E., SRF Associates: We performed the traffic studies for this project. We performed actual traffic counts at Gananda, Hilton Park, and College Green because local data are better than national standards for trip generation. People were at these sites during peak traffic generation, a.m. and p.m., counting the cars. We know from the size of the facilities and the number of vehicles you can generate a rate of traffic generation. That is what we did and the findings indicated that our original numbers based on national standards were twice as much as what we found locally. The average trip rate for the three sites can be expected to be at 9 entering and 18 exiting in the morning peak

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and 15 entering and 13 exiting at the evening peak over a one-hour period. Those numbers are low in comparison to other land uses.

Mr. Allinger: Does that include all maintenance vehicles, ambulances, trash collection?

Mr. Fisher: It is all vehicles.

Mr. Allinger: This is the wrong place and someone should have seen that.

Mitch and Cindy Stewart, 45 Willowood Drive: (Read the statement opposing the project.) I have a concern about the flooding of the creek. What about the proposed filling of the flood zone? I can't imagine this project not causing additional flooding problems. I reiterate concerns expressed regarding the environment and safety.

Mr. Gauthier: Plans have been revised and there will be no filling of the flood zone.

Ms. Sandor: I just heard the information provided by the traffic study. Knowing all these areas, these are not a good comparison. This site is a major intersection.

Laurie Hopkins, 30 Parkside Lane: I see nothing being resolved regarding the safety issues of traffic and ponds. Lawyers from Phillips Lytle told us that in other areas Planning Boards do stop projects. They find issues and stop projects. I'd request the developer try to find another location.

Russ Landry, 299 Willowood Drive: Is this zoned senior living? What other type of zoning is attached to this property? What happens if they are unable to fill the units? I feel this is a poor location for this development and I am very opposed to the project.

Mr. Fisher: This is senior only and it has a restriction that 55 and older have to reside here. The developer can't say that they can't fill it up, so they're going to allow others to come in.

Mr. Copey: There is an extensive waiting list of people trying to get into to these types of facilities.

Christine Reczek, 46 Parkside Lane: I don't know how far I am from the project but I would like a definitive answer. I think the process fails us.

Mr. Copey: If you are anywhere on Parkside Lane, you are more than 500 ft. from the project. (Provided the information on distance to her before the meeting ended.)

Ms. Hopkins: What is the distance between the pond and the 100-year floodplain? (Cited distances required in other counties.)

Mr. Fisher: I'd estimate 90 feet.

Mr. Gauthier: You are citing rules in other areas.

Marie Stella, 182 Willowood Drive: We should have been at the original rezoning meeting. You have thanked us for our input. Imagine if we had been aware and been invited to the Town Board public hearing. Maybe we wouldn't be here today.

Mr. Selke: You talked about gardens and a greenhouse. Is that part of Phase I or II?

Mr. Stapleton: It will be part of Phase I.

Mr. Selke: Has the pond design been finalized?

Mr. Stapleton: The ponds are designed in accordance with Phase III NYSDEC requirements. The Town ensures they are designed in accordance with those criteria. The majority, or approximately 70%, will be 8 inches to 12 inches in depth, with wetland vegetation. There are retention areas called micro-pools about six feet deep. The perimeter of the pond has a 1:4 slope and then a safety shelf around the perimeter. The 8-inch to 12-inch depth is generally not graded any steeper than 2%, which is similar to a sidewalk and is recoverable.

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Karl Essler, Esq., Fix, Spindleman, Brovitz: I don't think we have a fundamental difference with the Board regarding review of the parking. The southern portion that you discussed is part of Phase II, so I don't think we need to be concerned about that. The separate parking area to the north is planned for Phase I and we would feel uncomfortable if we were told you can't put that in. We could find ourselves without adequate parking.

Mr. Fisher: If needed, we would add during Phase II. We are looking for 104 parking places in Phase I out of 180 proposed. If you take out the portion to be done in Phase II, I think you have adequate parking.

Mr. Essler: I don't think we know exactly what we need for Phase I and that could be a concern.

Mr. Arena: As long as it doesn't impede how we want to operate in Phase I, we are in agreement with what you are saying and will hold off on that parking until Phase II.

Mr. Sofia: The parking spaces appear on the east side of the drive aisle. Wouldn't it be better to have the parking closer to the building and the thoroughfare on the outside? That way, residents wouldn't have to cross traffic to get to their cars.

Mr. Arena: Yes, we could potentially flip it. We would need to look at the turning radius for emergency vehicles. We will look at it.

Ms. Hopkins: This area has pileated woodpeckers. Although they are not an endangered species, I believe they are a protected species. Has anyone looked at this?

Mr. Copey: Pileated woodpeckers are a woodland species. This site is mostly open land. A wooded area like Sawyer Park would be their primary habitat and this project will not disturb that.

Ms. Kissel: The parking change would be a positive one because it would reduce headlights into the residences.

Mr. Marianetti made the following motion, seconded by Mr. Sofia:

Whereas, the subject property was rezoned from R1-12 (Single-family Residential) to RMS (Multiple-family Residential – Senior Citizen) by the Town Board on March 17, 2009. As a Type I action pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 et seq., the "SEQRA Regulations") (collectively, "SEQRA"), the rezoning was the subject of a coordinated environmental review, for which the Town Board was Lead Agency. Following the review of the Full Environmental Assessment Form and supplemental information provided by the Applicant and other interested or involved parties, the Town Board issued a negative declaration pursuant to SEQRA, indicating that there would be no significant adverse environmental impact; and

Whereas, the Planning Board has considered the Lead Agency's Negative Declaration, and reviewed additional detailed information related to traffic, buffering and lighting, drainage, wildlife, and noise.

Now, therefore be it

Resolved that, in its role as Lead Agency, the Town Board did exercise due diligence in identifying and notifying involved agencies, and pursuant to the SEQRA Regulations, Section 617.6(b)(3)(iii), the Lead Agency's Negative Declaration is binding on all involved agencies; and be it further

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Resolved that the Planning Board finds the proposed site plan to be consistent with the project reviewed by the Town Board and that SEQRA requires no further environmental review.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- absent
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED

Motion by Mr. Marianetti, seconded by Mr. Sofia, to approve the application with the following conditions:

1. Approval is granted for construction of Phase I of the proposed Gardens at Town Center apartments, a two- and three-story apartment building for senior citizens (98 dwelling units in Phase I; 176 total dwelling units; 61,250+/- square feet total), with related parking, utilities, grading, and landscaping on approximately 11.8 acres. The Applicant shall submit Phase II in substantial conformity with the overall plans presented to the Planning Board.
2. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
3. No final Planning Board approval signature shall be added to the plans unless and until the Applicant provides proof of a filed access easement/agreement for the long Pond Road access. As required by the Town Board, no Certificate of Occupancy shall be issued unless and until such access road is fully constructed and usable as determined by the town.
4. Pursuant to §211-14(D) of the Town's zoning ordinance, the Applicant shall provide a restrictive covenant to ensure that any dwelling units placed, erected, or constructed on the Premises will be for senior citizens.
5. As offered and agreed by the Applicant, prior to commencing construction, the Applicant shall demolish and remove all existing structures on 3027 Latta Road.
6. As requested by the Monroe County Department of Transportation, the Applicant agrees to modify the design of the Long Pond Road access in order to facilitate access to the existing bank at 3165 Latta Road.
7. No building permits shall be issued unless and until highway permits are issued. A note that indicates this requirement shall be added to the plan.
8. The names of the adjoining interior streets shall be added to the plan.
9. Addresses for each building shall be added to the plan.
10. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any

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dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.

11. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a [New York State Licensed Landscape Architect or Certified Nursery Professional]. A note that indicates these requirements shall be added to the plan.
12. As offered and agreed by the Applicant, the Applicant shall plant 15 additional Norway spruce trees (7-8' in height) in locations to be determined by the Planning Board Clerk within one (1) year of the issuance of the Certificate of Occupancy for the first phase of construction.
13. Snow storage areas shall be identified on the site plan and landscape plan.
14. All ground-mounted heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
15. The proposed building shall be two and three stories in height, in conformity with the requirements established by the Town Board in its March 17, 2009 rezoning approval for the Premises.
16. The exterior appearance (that is, materials, colors, and architectural style) of the proposed building shall be the same on all sides of the proposed building. As offered and agreed by the Applicant, such materials and colors shall be vinyl siding (in the tan and pail green color families), with white trim and asphalt roof (in the tan color family). Elevations of the exterior appearance shall identify these colors and materials, shall show all sides of the proposed building, and shall be filed with the site plan.
17. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
18. The location of any outdoor refuse container on the Premises, along with the height and type of enclosure for such container, shall be shown on the plan. If refuse is to be stored inside the building, a note that indicates this shall be added to the plan.
19. The locations of the designated fire lanes shall be shown on the Site Plan.
20. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone.
21. Water mains and hydrants shall be installed and be in proper operating conditions prior to the commencement of any aboveground construction.
22. Suitable access roads and temporary street signs shall be installed and maintained so as to provide continuous access to fire department and other emergency vehicles prior to the commencement of any aboveground construction.

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23. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
24. The outdoor refuse container shall be enclosed and screened from public view. A wall, fence, or landscaping may be used.
25. The August 28, 2008, Federal Emergency Management Agency flood zone and map source for this site shall be added to the plat. In addition, the boundaries (if any) and boundary designations shall be added to the plan.
26. The private drive shall not be offered for dedication to the Town of Greece. A note to this effect shall be added to the plan.
27. The Town's 2001 Community Master Plan Update (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of these apartments will contribute to the demand for additional park and recreation space, and that this apartment development provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to the New York State Town Law, Section 274-a, payment of the Town's recreation fee shall be required for each dwelling unit in this apartment development, payable to the Town upon the issuance of the original building permit for each dwelling unit. The Planning Board consents to an alternate method of payment of such fee, if established by the Town Board. A note that indicates this requirement shall be added to the plan.
28. No building permits shall be issued unless and until the Applicant executes an easement and agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
29. The Planning Board recognizes that under federal, state, and local laws, storm water management facilities are a required element of site development, and further that such storm water management facilities are required in the interests of environmental protection and public health and safety. Further, the Planning Board recognizes that storm water management ponds do present a potential safety risk for persons entering such ponds either purposefully or accidentally, especially if such persons are unable to swim or become trapped in loose sediments. The New York State Storm Water Management Design Manual requires that storm water management ponds be constructed with a shallow near-shore area known as a "Safety Bench", which is intended to provide a recoverable slope in the event that a person should enter the pond. As offered and agreed by the Applicant, and in the interest of public safety, the safety bench in the proposed storm water ponds shall be constructed in such a way as to provide a stable surface such that in the event that any person would enter such ponds, the safety bench would support their weight. The final design of such stabilized safety bench shall be subject to approval by the Chief Engineer. The Applicant further agrees to modify the storm water maintenance agreement referred to in Condition #28 of this approval such that sediments on the safety bench areas of these ponds shall not be allowed to accumulate to a depth of more than one (1) foot.

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30. No final approval signature shall be placed on the plans unless and until the appropriate easement and agreement documents have been prepared and provided to the Town for review.
31. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
32. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
33. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
34. Subject to approval by the Town's Fire Marshal, Chief Engineer, and Commissioner of Public Works.
35. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
36. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
37. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
38. If permitted by the Fire Marshal, parking spaces located along the drive lane on the east side of the building shall be relocated to the opposite side of the drive lane so as to be placed closer to the building, thereby allowing residents to access the sidewalk and enter/exit the building without having to cross the drive lane.
39. Landscape buffering proposed to be located east of the Latta Road access shall be installed during the initial phase of development.
40. The 42-space parking area located closest to Latta Road and east of the Latta Road entrance and the 28-space parking area located directly south of the Phase 2 portion of the building shall not be installed in the first phase of construction. As part of the Planning Board's review of Phase 2 of construction, the need for this parking shall be evaluated and a determination shall be made as to whether or not these parking spaces should be constructed.

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VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- absent
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION APPROVED
WITH CONDITIONS

New Business

None

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ADJOURNMENT: 10:05 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Chairman

Date: _____